

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

March 17, 2003

IN RE:

**BELLSOUTH TELECOMMUNICATIONS, INC.
TARIFF TO INTRODUCE SWA PRICING
FLEXIBILITY – Tariff Number 2002256**

**DOCKET NO.
02-01073**

ORDER ESTABLISHING ISSUES

This matter is before the Pre-Hearing Officer on the Proposed Issues List jointly filed by counsel for AT&T Communications of the South Central States, Inc., Birch Telecom, Inc. and BellSouth Telecommunications, Inc. on March 10, 2003.

The dispositive issues to be considered in this proceeding are the following:

1. Whether the discount offered in Tariff Number 2002256 constitutes a growth discount. If so, does the growth discount violate state or federal law. Provide specific citations to authority;¹
2. Whether Tariff Number 2002256 violates state or federal authority unrelated to growth discounts. Provide specific citations to authority;

¹ Administrative notice is taken of the following authority:

Application of BellSouth Corporation, BellSouth Telecommunications, Inc. and BellSouth Long Distance, Inc. for Authorization to Provide In-Region, InterLATA Services in Florida and Tennessee, CC Docket No. 02-307, Memorandum Opinion and Order, 17 F.C.C.R. 25,828 (December 19, 2002); *In the Matter of Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Interexchange Carrier Purchases of Switched Access Services Offered by Competitive Local Exchange Carriers, Petition of U S West Communications, Inc. for Forbearance from Regulation as a Dominant Carrier in the Phoenix, Arizona MSA*, CC Docket No. 96-262, Fifth Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd. 14,221 (August 27, 1999); *In re: Petition of AT&T Communications of the Southern States, LLC Requesting Suspension of and Cancellation of Switched Access Contract Tariff No. F12002-01 Filed by BellSouth Telecommunications, Inc.*, Fla. Public Serv. Comm'n Docket No. 020738-TP, Order Granting Partial Motion to Strike, Denying Petition to Suspend and Cancel, and Granting Request for Hearing (January 6, 2003); *In the Matter of Complaint for Anticompetitive Activity and Motion to Find Tariff Noncompliant or Suspend Tariff*, N. C. Util. Comm'n Docket No. P-55, Sub 1365, 1366, Order Disapproving Proposed Tariff (August 13, 2002).

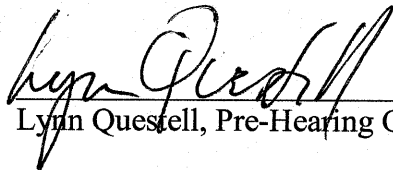
3. What impact do the Letters of Agreement have on the terms, conditions or rates contained in Tariff Number 2002256.

The Procedural Schedule is modified as follows:

- Additional discovery requests related to the issues listed above, if any, may be filed **no later than Thursday, March 20, 2003.**

IT IS THEREFORE ORDERED THAT:

1. The Issues List is adopted as set forth above.
2. Additional discovery requests related to the issues listed above may be filed **no later than Thursday, March 20, 2003.**


Lynn Questell, Pre-Hearing Officer